IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5835 OF 2005
IN
CRIMINAL APPEAL NO. 841 OF 2005

Arvind Gajo Patel & Anr.] .. Applicants

Versus

The State of Maharashtra.] .. Respondent

Mr.Zia Ul Mustafa & S.H. Khalife for the applicants.

Mr.Y.S. Shinde, A.P.P., for the respondent-State.

CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED: 03RD OCTOBER, 2005

P.C. :

1. We have heard the learned counsel for the applicant. The prosecution case rests on circumstantial evidence. The circumstances on which the conviction is based are motive, last seen together and finding of blood stains of the same group as that of the blood group of the deceased on the clothes of the accused. The applicants do not have any antecedents. There is no indication in the judgment that blood group of accused was ascertained. Moreovr, independent witnesses are not

examined. No weapon of assault has been recovered at their instance. The applicants appear to have their roots in Mumbai. Hence, in our opinion, the applicants should be released on bail after putting stringent conditions on them. We, therefore, pass the following order.

2. Appellants - Arvind Gajo Patil and Guddu Bakeprasad Patil - original accused Nos.1 and 2 respectively, are ordered to be released on bail in the sum of Rs.25,000/- each. The applicants shall furnish a local surety. The applicants shall attend Kurar Police Station, once in a month.

3. Application disposed of.

[SMT. RANJANA P. DESAI, J.]

[ANOOP V. MOHTA, J.]

[srpasha@hc]